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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,	)	E-filing
Plaintiff,)	
	)	Civil Case No. C08-02240 JSW
v.)	
)	
ROCKET VENTURES II, SBIC, L.P.,	)	PLAINTIFF'S CASE
	)	MANAGEMENT
	)	STATEMENT AND
	)	PROPOSED ORDER
)	
Defendant.	)	Date: August 15, 2008
	)	Time: 1:30 PM
	)	Ctrm: 2, 17th Floor
	)	450 Golden Gate Ave.,
	)	San Jose

The United States of America, on behalf of its agency, the Small Business Administration ("SBA") the plaintiff in the above entitled action submits this Case Management Statement and Proposed Order and request the Court adopt it as its Case Management Order in this case.

Description of the Case

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3 1. Overview: ROCKET VENTURES II, SBIC, L.P., (“Rocket”) was licensed by
4 United States Small Business Administration (“SBA”) as a Small Business Investment
5 Company (“SBIC”) under section 301 (c) of 15 U.S.C. §681(c). SBA determined the
6 SBIC to be capitally impaired (as that term is defined under the regulations) n 2005, and
7 unable to cure the capital impairment by 2006. Consequently, SBA placed Rocket in
8 liquidation status. SBA attempted to obtain Rocket’s agreement to a Consent Order for
9 Receivership and for SBA to be appointed Receiver by the court, but has been unable to
10 do so despite continual efforts.
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13 2. Thereafter, since the court has jurisdiction over SBIC receiverships, SBA filed
14 this Receivership action on April 30, 2008, seeking appointment of SBA as Receiver of
15 Rocket. Subsequently, in attempts to serve the complaint, SBA discovered that Rocket
16 was not maintaining or staffing its mailing location at 2200 Sand Hill Road, Menlo Park.
17 Eventually, the principal for Rocket and authorized agent for process, David Adams did
18 make arrangements to accept service on June 24, 2008 of the complaint, summons, and
19 initial filing documents at a different location in Los Altos, California.
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22 3. Currently, there is approximately \$27.725 million (principal) in outstanding
23 Participating Securities purchased by SBA.

24 4 Current Status: SBA and David Adams are engaging in discussions regarding
25 Rocket’s possible consent to the Receivership, but no agreement has yet been reached.
26

27 4. Limited Partnership Defendant (In pro se): Rocket is a Limited Partnership,
28 not represented by litigation counsel as required by L.R. 3-9(b), and cannot appear *in pro*

1 se nor through David Adams who is not an attorney, and has not filed its Answer to the
 2 complaint as yet. The time to file an "Answer" to the complaint expired on or after July
 3 14, 2008 and no additional time has been requested or agreed to.

4
 5 6. Injunctive Relief: SBA has prepared a Motion for Temporary and Permanent
 6 Injunctive Relief and Appointment of SBA as Receiver of Rocket, but has not filed it
 7 while settlement discussions are ongoing. SBA recently received a proposal from Rocket
 8 within the last week which is currently under review by the Agency.

9
 10 If prior to the CMC date, SBA and Rocket cannot reach an agreement with
 11 Rocket's consent to the Receivership, SBA intends to file the Motion prior to the August
 12 15, 2008 Case Management Conference date. The Motion should resolve most of the
 13 issues and clarify any facts. SBA is not aware of any disputed facts. Any remaining
 14 issues will be disposed of via motions for default or summary judgment. A trial is not
 15 anticipated as being required. There are no discovery issues, and ADR is not requested.

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 17 7. Therefore, SBA suggests postponing or continuing the August 15, 2008, Case
 18 Management Conference approximately six months to permit time for filing and
 19 consideration of summary dispositive motions.

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 22 Dated: July 25, 2008

/s/ Edwin L. Joe
 Edwin L. Joe
 Special Assistant United States Attorney

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CASE MANAGEMENT ORDER

This Case Management Statement and Proposed Order are hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. In addition the Court orders:

1. The Case Management Conference for August 15, 2008 at 1:30 PM is hereby postponed until (date and time) _____.

Dated: _____

HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE